

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

PREAMBLE

1. Sections Affected

R12-8-109	<u>Rulemaking Action</u>
R12-8-110	Repeal
	Repeal
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 41-511.05(8)
Implementing statute: A.R.S. § 41-511.05(8)
3. The effective date of the rules:

January 11, 1996
4. A list of all previous notices appearing in the Register addressing the exempt rule:

Notice of Exempt Rulemaking:
2 A.A.R. 693, January 12, 1996
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Leslie Schwalbe
Address: Arizona State Parks Board
1300 West Washington
Phoenix, Arizona 85007
Telephone: (602) 542-4174
Fax: (602) 542-4180
6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:

The objective of this notice is to repeal R12-8-109 and R12-8-110 that were originally published in the *Arizona Administrative Code* dated September 20, 1995. The new rules for these Sections were published in 2 A.A.R. 690, January 12, 1996, and are now in effect. These rules are exempt from the regular rulemaking procedures pursuant to A.R.S. § 41-1005(A)(21).
7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.
8. The summary of the economic, small business, and consumer impact:

Not applicable.
9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Not applicable.
10. A summary of the principal comments and the agency response to them:

Not applicable.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.
12. Incorporations by reference and their location in the rules:

Not applicable.

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13. Was this rule previously adopted as an emergency rule?
No.

14. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

ARTICLE 1. GENERAL PROVISIONS

~~R12-8-109. Fees and Permits~~

~~R12-8-110. Fee Waivers~~

ARTICLE 1. GENERAL PROVISIONS

~~R12-8-109. Fees and Permits~~

~~A. Annual Fee Review. The Board shall annually review and set fees for entrance, camping, and overnight parking at state park facilities. The fees shall be posted at each state park and printed in appropriate state park literature for public information. Fees shall be based upon analysis of the following criteria:~~

- ~~1. Fee and permit charges by state park agencies of the 11 western states and similar facilities within Arizona;~~
- ~~2. Arizona State Parks operational and development costs;~~
- ~~3. Public demand for services; and~~
- ~~4. Impacts upon park resources.~~

~~B. Entrance, camping, and overnight parking fees/permits~~

~~1. Entrance~~

~~a. Historic facility (all historic parks): individual 12-17 years, \$1.00; 18 years and above:~~

Group 1-6;	\$2.00/person;
Group 7-12;	\$1.80/person;
Group 13-19;	\$1.60/person;
Group 20+;	\$1.40/person.

~~b. Interpretive program and entrance fee: individual 12-17 years, \$2.00; 18 years and above:~~

Group 1-6;	\$3.00/person;
Group 7-12;	\$2.70/person;
Group 13-19;	\$2.40/person;
Group 20+;	\$2.10/person.

~~c. Recreational facility individual not in motorized vehicle 12 years and above, \$1.00.~~

~~d. Recreational facility at Patagonia Lake, Dead Horse Ranch, Fool Hollow, Tonto Natural Bridge, and Slide Rock State Parks, and program fee at Red Rock State Park:~~

Per vehicle with group of 1-6;	\$5.00;
Per vehicle with group of 7-12;	\$10.00;
Per vehicle with group of 13-18;	\$15.00;
Per vehicle with group of 19-24;	\$20.00.
\$5.00 additional for increments of 6 individuals or less per vehicle above 24 in a group.	

~~e. Recreational facility at Buckskin Mountain, Cattail Cove, and Lake Havasu State Parks on Monday, Tuesday, Wednesday, and Thursday except state observed holidays:~~

Per vehicle with group of 1-6;	\$4.00;
Per vehicle with group of 7-12;	\$8.00;
Per vehicle with group of 13-18;	\$12.00;
Per vehicle with group of 19-24;	\$16.00;
\$4.00 additional for increments of 6 individuals or less per vehicle above 24 in a group.	

~~f. Recreational facility at Buckskin Mountain, Cattail Cove, and Lake Havasu State Parks on Friday, Saturday, Sunday, and state observed holidays:~~

Per vehicle with group of 1-6;	\$7.00;
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Per vehicle with group of 7-12;	\$14.00;
Per vehicle with group of 13-18;	\$21.00;
Per vehicle with group of 19-24;	\$28.00;
\$7.00 additional for increments of 6 individuals or less per vehicle above 24 in a group.	

~~g. Recreational facility at all other parks not noted in subsection (B)(1)(d), (e), or (f):~~

Per vehicle w/group of 1-6;	\$3.00;
Per vehicle w/group of 7-12;	\$6.00;
Per vehicle w/group of 13-18;	\$9.00;
Per vehicle w/group of 19-24;	\$12.00;
\$3.00 additional for increments of 6 individuals or less per vehicle above 24 in a group.	

~~h. Group/day use area reservation at all parks: \$10.00;~~

~~i. Limited annual permit valid at all parks except Buckskin Mountain, Cattail Cove, and Lake Havasu State Parks on Friday, Saturday, Sunday, and state observed holidays: \$35.00~~

~~j. Unlimited annual permit valid at all parks at all times: \$65.00~~

~~2. Camping~~

~~a. At Alamo Lake, Catalina, Homolovi Ruins, Lost Dutchman, Picacho Peak, Lyman Lake, and Roper Lake State Parks:~~

- ~~i. Nightly camp site, \$8.00/vehicle or boat;~~
- ~~ii. Hook up site, \$13.00/vehicle.~~

~~b. At Fool Hollow Recreational Area, Dead Horse Ranch, Patagonia Lake, Cattail Cove, Buckskin Mountain, and Lake Havasu State Parks:~~

- ~~i. Nightly camp site, \$10.00/vehicle or boat;~~
- ~~ii. Hook up site, \$15.00/vehicle or boat;~~

~~iii. Cabana, \$20.00 per vehicle;~~

~~iv. Off-season, long-term, weekly permit (fee calculation for stay of 7 days: rate equals appropriate fee for site for 5 days):~~

- ~~(1) Camp site, \$40.00-\$50.00/vehicle or boat;~~
- ~~(2) Hook up site at Alamo Lake, Lyman Lake, Roper Lake, Lost Dutchman, Homolovi Ruins, Picacho Peak, and Catalina, \$65.00/vehicle or boat;~~
- ~~(3) Hook up site at all other parks, \$75.00/vehicle or boat;~~
- ~~(4) Cabana, \$75.00/vehicle.~~

~~v. Group area reservation (all parks), \$25.00;~~

~~e. Overnight parking not in a camp site, \$3.00-\$5.00/vehicle each night (same as the individual park entrance fee).~~

~~C. Special Use Fees~~

~~1. The Director may negotiate a specific fee for special uses. The range for non-commercial and commercial uses at state park facilities shall be the fee charged unless the Executive Director determines that an increase is justified based upon analysis of the following criteria:~~

- ~~a. Park expenses resulting from the special use;~~
- ~~b. Loss of revenue resulting from the special use;~~
- ~~c. Impacts upon park resources and visitors as a result~~

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- of the special use, or
 - d. The goodwill produced by informing or educating the public.
 - 2. Non-commercial and commercial special use fees:
 - a. Non-commercial, \$25-\$50 per room or area/4 hours;
 - b. Commercial, \$50-\$100 per room or area/4 hours;
 - c. Commercial photography, \$50-\$10,000 per 4 hours;
 - d. Damage deposit, \$25-\$500 per room or area.
 - D. Special program fees. A special program fee for events sponsored by state parks may be assessed or park fees during the event may be waived. If assessed, this fee shall be established by the Executive Director according to the criteria specified in subsection (C)(1). Special program fees shall be established in advance of the event and posted as stated in this rule.
 - E. Commercial Vehicle Access Permit (CVAP) will be required by any person that enters a state park to conduct any portion of a business that is not covered by a concession agreement or special use permit. The fees for a CVAP are as follows:
 - 1. Administrative fee, 1 pass: \$200;
 - 2. Additional passes, maximum of 2; \$100 each.

R12-8-110. Fee Waivers

- A. The Park Manager, or official designee of the Park Manager, is authorized to grant waivers of the entrance fee to educational

and handicapped groups in accordance with the following guidelines:

- 1. Four by preschools and accredited K-12 school groups shall be related to the group's current curriculum or program of study. The curriculum will be sufficiently formal so that academic credit or a certificate is awarded at the program's end. The program must meet more than 5 class meetings on separate days.
 - 2. Professional groups shall be participating in a parks and recreation or historic and interpretive seminar or conference tour.
 - 3. Handicapped groups shall be affiliated with non-profit organizations or agencies certified for their care, rehabilitation, training, or service. For the purpose of this rule, handicapped is defined as blind and visually impaired; deaf and hard of hearing; mobility impaired; developmentally disabled.
- B. Persons serving in a volunteer capacity with a signed volunteer agreement with Arizona State Parks are exempt from all fees.
- C. No fees shall be charged on Christmas Day.
- D. The Director or the Director's designee may modify any and all rates prescribed in R12-8-109 and R12-8-110 to include discounts, promotional rates, and other modifications.